

## **Meeting Minutes**

### **Plan & Zoning Commission Meeting**

Tuesday, July 6, 2010

#### **CALL TO ORDER**

The July 6, 2010 meeting of the Plan & Zoning Commission was called to order at 7:00 pm by Chairman T.Ripper.

#### **ROLL CALL**

Members present: T.Anliker, D.Fliger, S.Lawrence, S.Odson, T.Ripper, L.Voigt. Absent: J.Austen, D.Godwin. Staff present: J.Peterson, E.Carstens, E.Jensen, S.Perkins, T.Kuhn.

#### **PUBLIC HEARINGS**

##### **Item #3. Visions Invest LLC request to amend the Chimney Point PUD (Planned Unit Development)**

Chairman T.Ripper opened the public hearing.

S.Perkins explained that the property owner, Visions Investment, LLC, is requesting an amendment to the Chimney Point PUD. She presented the approved Chimney Point Master Plan drawing and explained that the amendment affects the platted 15 single family residential lots along the southern edge of the subdivision, adjacent to NW 18<sup>th</sup> Street. The request is to convert the 15 lots platted for single family detached units to bi-attached lots resulting in 22 units. In conjunction with the amendment, the developer will request the vacation of a number of platted easements. S.Perkins explained that although the underlying zoning for this subdivision is R-3, multi-family residential zoning, which allows for bi-attached units, the area under consideration for an amendment was identified in the PUD solely for single family detached housing. She stated that in the future, the 18<sup>th</sup> Street corridor is expected to carry a fairly high level of traffic, and is designated as an arterial street. The bi-attached units would provide a transition from the arterial street to the single-family detached units to the north.

S.Odson asked what buffering will be provided along NW 18<sup>th</sup> Street. S.Perkins responded that the lots are constrained by utility and drainage easements, making it difficult to install a berm or landscaping. MidAmerican Energy has stated that they are not interested in any landscaping or berming in their easement. She reported that the applicant is proposing to install additional landscaping in the 18<sup>th</sup> Street r-o-w between the sidewalk and rear property line.

D.Fliger asked what the status of the overall development is at this time. S.Perkins responded that one final plat has been approved and built on. She identified Area B on the approved Master Plan and explained that the PUD added a condition requiring no less than a block of 5 of either housing options (detached or bi-attached) within Area B, which has been built as single family detached units.

L.Voigt asked if staff is aware of plans for the area to the south of the Chimney Point subdivision. E.Jensen reported that at one time, the property owner presented a concept plan showing single family up to NW 18<sup>th</sup> Street, they have since talked with staff about townhomes along NW 18<sup>th</sup> Street for the same reason this applicant is making the request.

Brent Culp, Snyder & Associates, 2727 SW Snyder Blvd. representing Visions Investment, LLC presented the Master Plan of the approved 2007 Chimney Point PUD and identified areas designated for detached, bi-attached, townhome units, commercial and park land. He explained that single family detached units have been constructed and sold, however with a lack of interest in the lots along NW 18<sup>th</sup> Street, the owner would like the option for bi-attached homes as a transition between NW 18<sup>th</sup> Street and the single family detached units to the north. Side yard and front yard setbacks are the same as the platted detached units. 14 single family lots for detached units were platted in this area, the proposal is for 11-bi-attached lots or 22 dwelling units. Mr.Culp presented renderings of the proposed units, stating that garages would be required and most will have 2-stall garages. He explained that in the original PUD and construction plans, the 4-foot sidewalk along NW 18<sup>th</sup> Street was placed off of the property line with a tree and landscaping screen at the rear of the each property. Mr.Culp commented that plans by Hunziker for property to the south showed single family units.

D.Fliger asked if there has been feedback from the existing neighbors on the proposal. Mr.Culp responded that a neighborhood meeting was held a week ago and he didn't believe there was a huge opposition once drawings were presented. D.Fliger asked if there are any other changes in the proposed project at this time. Mr.Culp said this change is market driven, with the interest in bi-attached units.

D.Fliger asked how many houses have been completed and sold. Nate Miller, Visions Investment LLC responded that 26 units have been constructed, 24 have been sold.

Rebecca Stotts, 3313 NW 20<sup>th</sup> Street stated that they own the first home built in the subdivision. She stated that she is opposed to the proposed rezoning and presented a petition with signatures of 11 property owners also in opposition. She explained that their major consideration when they purchased their home, was that there were no condos and townhomes around the single family units and because of the promise by Savannah Homes to make all of the homes unique. She stated that she and some of her neighbors feel tricked because the developer is now trying to rezone to allow townhomes in an area that was promised as single family detached. Additionally she said she is concerned about the potential increase in traffic and parking problems, the decrease in the value of their property, turnover of residents associated with townhomes, and an increase in noise. Ms.Stotts commented that there are a lot of areas in Ankeny that have single family homes that back up to a busy street and she doesn't understand why there is a need to place a buffer at this location.

Jen Athens, 1517 Valley West Drive, West Des Moines explained that she is an agent for Iowa Realty and has sold 17 of the homes in Chimney Point. She stated that she and Savannah Homes have concerns with the proposed rezoning. She stated that everyone they have sold a home to in Chimney Point has been told that this block was zoned for single family homes. She said there are several areas in Ankeny where the bi-attached units have been allowed and they end up looking like row housing because there are not enough requirements for variety. She further stated that they have a concern that if the units do not sell, they will be converted to rental property. Ms.Athens said that increasing the potential number of cars on NW 19<sup>th</sup> from 28 to near 50 is a big concern to the homeowners she has represented. She feels that, in her

experience, when developer's intentions do not align with their actions, the current homeowners will suffer in terms of resale potential, timeframe for resale or value.

Tom Smith, 3206 SW 19<sup>th</sup> Street stated that his biggest concern is parking. He explained that the north side of the street is posted as no parking and an increase from 14 driveways to 22 driveways on the south side will result in very little curb space. He believes this street is too narrow for the proposed development. Mr. Smith said that most of the homes currently constructed are 2-story with no garages and the townhome units proposed as ranch with garages will be a "night and day" change rather than a transition. He said he was promised a single family home neighborhood, he was attracted to the neighborhood by the uniqueness of each home – he and his wife are opposed to the change.

Allison Schmitz, 3208 NW 19<sup>th</sup> Street, said she concurs with everything that Tom Smith and Rebecca Stotts said. She is opposed to the proposed rezoning. She believes the idea of a buffer is an excuse because the lots were not selling, since there are a number of single family homes to the east along NW 18<sup>th</sup> Street that back up to 18<sup>th</sup> Street.

Nate Miller, stated that he is a developer and builder in Chimney Point. He presented the approved Master Plan for Chimney Point stating that they have never hidden the fact that multi-family was planned for this development. He explained that lots on the east side of NW Boulder Ridge Lane are zoned to allow twin homes, however, rather than placing twin homes in the middle of the development they believed it would be better to place the twin homes along NW 18<sup>th</sup> providing a better buffer based on the city's comprehensive plan when moving from higher density to lower density areas. He said that by the term "buffer" they mean that the twin homes with garages will take up more lot space to block NW 18<sup>th</sup> Street. He said they probably would not provide additional landscaping if the lots remain as single family detached. Mr. Miller stated that there are no tricks or secrets; they are simply trying to do what is best for the development in the long term. He stated that he didn't feel there was any opposition at the neighborhood meeting, which is why they decided to keep moving forward with the plan. Responding to the issues raised, Mr. Miller stated that garages are not a requirement for the single family homes, the requirement was added for the proposed twin homes to address the parking concerns. He said the twin homes can be either single story or 2-story units. He believes the layout for twin homes will help reduce traffic noise from NW 18<sup>th</sup> Street. Mr. Miller stated that, at some point, there will be twin homes in this development and he believes this a better location long term for the neighbors and the neighborhood overall.

L.Voigt asked if all the drawings shown in the PUD amendment book are potential elevations for the twin homes. Mr. Miller responded that they do not have a builder for the units at this time, the drawings are elevations submitted by perspective buyers of the lots. T.Ripper asked if units in the proposed rezoning area could match the existing housing. Mr. Miller responded that they have the ability to review the plans as part of the lot purchase. He added that he has built 4 ranch style homes with attached garages in Chimney Point that have a look completely different than the 2-story Savannah units; and that variety is the idea for the subdivision.

T.Anliker asked what type of homes have been built in Plat 1. Mr. Miller identified on a map the types have homes that have been constructed which vary from 2-story without garages, to

detached garages to ranches with attached garages. He added that he is willing to address the concerns of the neighborhood regarding the elevations.

S.Odson asked if the intention is that none of the twin homes look alike. Mr.Miller responded that that has not been addressed any more than what is in the PUD amendment document. He believes that the twin homes in Diamond Hills are a nice example of similar units with some changes to each exterior elevation that they would like to see in Chimney Point.

S.Odson asked if they will be governed by an Association. Mr.Miller responded that there is no Association.

Gregory Stotts, 3313 NW 20<sup>th</sup> Street stated that he understands they are trying to buffer the subdivision from NW 18<sup>th</sup> Street, however, at this time NW 18<sup>th</sup> Street ends in a dirt road and questioned what sort of traffic is anticipated to warrant a buffer. He stated that regardless of whether the twin homes are built with garages; there will be overflow onto the street creating parking issues.

D.Fliger asked staff to include in their report the reasoning behind the value of a buffer.

T.Anliker asked staff to address the parking concerns and outline the construction to date. He said understands the difficulty in changing plans that have been approved once people have purchased homes.

S.Odson said as he understands it, the proposal is that each lot would be built with a different plan. He suggested that there may be fewer people per household occupying twin homes as compared to single family detached which would lessen the impact on parking and traffic on NW 19<sup>th</sup> Street. He asked what the future plans are for NW 18<sup>th</sup> Street. J.Peterson responded that it will connect with Hwy 415 with traffic projections in the "high teens". It's unsure at this time if that will warrant 4 lanes or if an adequate number of turning lanes will be sufficient. S.Odson commented that he believes using bi-attached units to buffer the arterial street from the single family makes sense.

Motion by T.Anliker to close the public hearing and receive and file documents. Second by L.Voigt. All voted aye. Motion carried 6 - 0.

## **Meeting Minutes**

### **Plan & Zoning Commission Meeting**

Tuesday, July 20, 2010

### **CALL TO ORDER**

The July 20, 2010 meeting of the Plan & Zoning Commission was called to order at 6:30 pm by Chairman T.Ripper.

### **ROLL CALL**

Members present: D.Fliger, D.Godwin, S.Lawrence, T.Ripper, L.Voigt. Absent: T.Anliker, J.Austen, S.Odson. Staff present: J.Peterson, E.Jensen, T.Kuhn.

**BUSINESS ITEMS****Item #3. Visions Invest LLC request to amend the Chimney Point PUD (Planned Unit Development)**

**Staff Report:** E.Jensen reported that the property owner, Visions Investment, LLC, is requesting an amendment to a portion of the Chimney Point PUD which when originally approved showed 15 single family detached lots, and is now proposed as 22 single family bi-attached lots. He explained that the comments and questions heard during the public hearing are all addressed in the staff report. He highlighted a few of the issues raised as follows:

*Existing Conditions* E.Jensen presented the approved 2007 Chimney Point Master PUD Plan and identified the six subareas as:

Area A – 103 Single Family Residential Lots, west of NW Boulder Ridge Lane

Area B – 13 Single Family Detached or Bi-attached Lots

Area C – 45 Single Family Detached or Bi-attached Lots, 15 acres

Area D – Townhomes, 9 acres

Area E – Commercial, 1.5 acres

Area F – Park, 6 acres

The first plat, included 57 lots, 47 in Area A, 8 in Area B and 2 in Area C, all platted as single family detached lots. E.Jensen identified on a map that out of the 57 lots that were platted within Chimney Point Plat 1, 22 of the lots have homes that are fully constructed with final certificates of occupancy issued; 2 properties have temporary certificates of occupancy issued; 5 lots have building permits issued; 3 lots have been purchased from the developer with the remaining 25 lots still owned by the developer, 14 of those are located on the south side of NW 19<sup>th</sup> Street in the area under consideration for the amendment.

*NW 18<sup>th</sup> Street* E.Jensen explained that NW 18th Street is designated as a Minor Arterial Street in the comprehensive plan; those streets can expect 5,000 to 13,000 vehicle trips per day. According to 2009 traffic counts there were 7,200 vehicle trips per day on NW 18th Street between NW State Street and NW Irvinedale Drive. NW 18th Street will eventually connect to Highway 415 as development continues to the west.

*Traffic:* E.Jensen stated that the city references the Institute of Transportation Engineers (ITE), Trip Generation manual, which identifies the average number of vehicle trips per single family detached dwelling unit on a weekday as 9.5 trips; and the average number of vehicle trips per dwelling unit for residential condominium and townhouse units as 5.8 trips. The approved 15 single family detached units will have a total of 143.55 vehicle trips per day; with the proposed 22 bi-attached units, there would be 128.92 trips per day.

*Parking* On-street parking is currently allowed on the south side of NW 19th Street. Future available space may be limited with the increase in the number of driveways, however, the proposed PUD amendment does require a garage and will allow for parking in the driveway. E.Jensen explained that the City does have the ability to change the side of the street that on-street parking is allowed if parking becomes a concern.

*Property Values:* To staff's knowledge there has not been a specific local study completed that would support the belief that constructing bi-attached units next to single family detached homes would lower or raise the property values of surrounding single family detached homes. A Minnesota study was cited in the staff report that compared home sales prices from 11 cities in

the neighborhoods surrounding affordable housing before and after the developments were built. The report indicated the change had no affect on property values.

*Architecture:* In response to the public hearing, the applicant submitted a revised architectural character section which includes a list of options addressing siding styles, colors; building materials and roof styles to ensure architectural variety. E.Jensen stated that the developer is taking the responsibility to review plans to make sure at least 3 of the architectural character elements will vary from structure to structure.

Staff recommends approval of the amendment to the Chimney Point PUD.

D.Fliger asked if the Architectural Character page will be an addition to the PUD amendment book and if it is admissible when received after the public hearing. E.Jensen explained that it will be added to the PUD amendment book. He believes that since it was submitted in response to public comment during the hearing it is admissible; furthermore, the revised amendment will be forwarded to Council for their hearing.

D.Fliger commented that the approved master plan shows that there could have been a considerable number of bi-attached housing, so he believes the realtor and those purchasing homes should have been aware that this development had the potential for bi-attached. He stated that he has concern that the developer plans to sell the lots and not maintain control of the quality of the project. He said he would have preferred the project be maintained by a homeowners association to ensure the long term quality of the project. E.Jensen responded that a homeowners association typically maintains the common space, and in this development of bi-attached, each unit will own the land.

D.Godwin asked if each of the units will be required to have a garage. E.Jensen responded that they are required to have a single or double garage. D.Godwin asked if fences will be allowed in the rear yard. E.Jensen said that they will be allowed per city code, he added that the rear of the lots are encumbered by easements. D.Godwin asked who will review the elevations to ensure that identical homes are not built side by side. E.Jensen stated that they will be reviewed by the developer during the sale of the lot, and since the requirement is part of a PUD, the city will be required to enforce that element as well. D.Godwin stated that the proposal tends to make sense since it is along a corridor, but care needs to be taken in how the corridor looks. He said he wants to make sure the elevation changes are enforced.

L.Voigt asked if the approved elevations are part of the sale of a lot. E.Jensen explained that this is a zoning regulation, part of a PUD document. L.Voigt suggested that there should have been more buffering along NW 18<sup>th</sup> Street required with the initial submittal, however he doesn't see any reason the amendment should not be approved.

T.Ripper said his concern was with the architectural elevations, but believes this is addressed with the additional submittal.

Motion by D.Fliger that the Plan and Zoning Commission recommend City Council approval of the proposed amendment to the Chimney Point PUD and Master Plan including the revised Architectural Character section. Second by D.Godwin. All voted aye. Motion carried 5 – 0.